



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Joel Tirado,
Supervisor Landscape (M0436B),
Jersey City

Examination Appeal

CSC Docket No. 2021-1379

ISSUED: MAY 24, 2021 (SLK)

Joel Tirado appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Supervisor Landscape (M0436B), Jersey City.

The subject examination’s closing date was March 23, 2020. The experience requirements were three years of experience in the planting, care, and maintenance of trees, shrubbery, plants, flowers, and grounds. A total of eight individuals applied and five were eligible. Certification OL210247 was issued and its disposition is due June 29, 2021. The list expires on March 24, 2024.

On his application, the appellant indicated that he was a Park Supervisor from July 2013 to November 2019. Personnel records indicate that the appellant was a Maintenance Supervisor, Grounds from May 2017 to the March 23, 2020 closing date and a Park Attendant from August 2013 to April 2017. Agency Services did not credit the appellant with any experience.

On appeal, the appellant states that he has been provisionally appointed in the subject title for over a year. Further, the appellant explains how he has performed the required duties for almost five years. Additionally, the appellant provides documentation that indicates that the appointing authority assigned him the required duties since June 2016 due to its business needs. Further, the appellant submits a November 21, 2019 letter from the appointing authority’s Department of

Human Resources indicating that he has been provisionally promoted to the subject title.¹

CONCLUSION

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

In this matter, initially Agency Services correctly determined that the appellant was not eligible for the subject examination as he did not clearly articulate how he performed the required duties as a Maintenance Supervisor, Grounds and Park Attendant. However, on appeal, the appellant clearly explains how he performed the required duties in these titles for almost five years. Further, the appellant provides documentation from the appointing authority that indicates that he has been performing the required duties since June 2016.² The Commission further notes that the appellant has also accrued over one additional year of applicable experience after the closing date. Therefore, the Commission finds that the appellant should be admitted to the examination. *See In the Matter of Diana Begley* (MSB, decided November 17, 2004).

ORDER

Therefore, it is ordered that the appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ It is noted that the appellant's provisional appointment in the subject title is not recorded in official personnel records. The appointing authority indicates that his provisional appointment in the subject title, effective November 18, 2019, is still pending on inventory for approval in personnel records.

² It is noted that the rules prohibiting the use out-of-title work to meet the eligibility requirements, unless there is good cause, for promotional examinations are inapplicable as this matter is an open-competitive examination.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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